

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAMANTE STANSBERRY,

Plaintiff,

-against-

MESSIAH NEAL; ORANGE COUNTY
JAIL,

Defendants.

1:24-CV-2227 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated August 19, 2024, the Court granted Plaintiff 60 days' leave to file an amended complaint, as specified in that order. (ECF 8.) The Court warned Plaintiff that, if he failed to comply within the time allowed, and he could not show good cause to excuse such failure, the Court would dismiss this action for failure to state a claim on which relief may be granted. (*Id.*) By order dated October 21, 2024, the Court granted Plaintiff a 60-day extension of time to comply with the Court's August 19, 2024 order. (ECF 11.) In the Court's October 21, 2024 order, the Court again warned Plaintiff that, if he failed to comply with the Court's August 19, 2024 order within the additional time granted, and if he could not show good cause to excuse such failure, the Court would dismiss this action for failure to state a claim on which relief may be granted. (*Id.*) Plaintiff has not filed an amended complaint. Accordingly, the Court dismisses this action; the Court dismisses Plaintiff's claims under federal law for failure to state a claim on which relief may be granted, *see* 28 U.S.C. § 1915(e)(2)(B)(ii), and declines to consider, under its supplemental jurisdiction, any claims that Plaintiff asserts under state law,¹ *see* 28 U.S.C. § 1367(c)(3).

¹ The Court notes that, in its August 19, 2024 order, because it granted Plaintiff leave to replead his claims under federal law, the Court declined to address the merits of any claims under state law that Plaintiff may have wished to assert against Defendant Messiah Neal. (ECF 8, at 3 n.2.)

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter a judgment dismissing this action.

SO ORDERED.

Dated: January 27, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

In doing so, the Court construed Plaintiff's complaint as possibly asserting claims under state law, brought under the court's supplemental jurisdiction. (*See id.*)